

# COVINGTON

BEIJING BRUSSELS LONDON LOS ANGELES  
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November 12, 2015

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation in Docket Nos. 15-216, 15-146, 14-50,  
12-268, 10-71, 09-182, and 07-294**

Dear Ms. Dortch:

On November 10, 2015, representatives of Raycom Media, Inc. (“Raycom”) met separately with Commissioner O’Rielly and his Chief of Staff, Robin Colwell; with Commissioner Clyburn and her Chief of Staff, Chanelle Hardy; and with Commissioner Rosenworcel and her Special Advisor, Jennifer Thompson, to discuss various matters relating to the above-referenced dockets. Raycom was represented by Paul McTear, President and CEO; Susana Schuler, Senior Vice President for Television; Pat LaPlatney, Senior Vice President; Rebecca Bryan, Senior Vice President and General Counsel; and the undersigned counsel.

The purpose of the meetings was to explain how the Commission’s rules and policies relating to program exclusivity, retransmission consent, and local television ownership may help or hinder the ability of broadcasters like Raycom to serve their communities by investing in high-quality local news and other content.

Raycom’s representatives described how Raycom, an employee-owned company, serves the public not only by producing about 1,300 hours of news per week across its stations (which Raycom spends an average of about \$150 million per year to produce), but also by providing extended coverage of major events such as the recent flooding in South Carolina, by airing fundraisers to support its communities in the aftermath of natural disasters and other tragedies, and by producing specials such as a Raycom-produced documentary marking the 50th anniversary of the Selma March, which aired this past winter on all of Raycom’s stations and nationally on the Bounce network (in which Raycom was an early investor and first affiliate group). Raycom provided copies of a document (attached hereto as

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Attachment A) highlighting some of Raycom's extensive public service efforts over the past year, as well as DVD copies of the Selma documentary.<sup>1</sup>

Raycom's representatives explained that this commitment to local service is a key distinguishing feature of the local broadcast model. Over-the-air local broadcasting remains a critical service, especially in minority communities. For instance, Raycom's representatives noted that about 70% of the viewership of the African-American focused Bounce network comes through over-the-air viewing. In their meeting with Commissioner O'Rielly, Raycom expressed its concern regarding proposals that would prevent television stations from maximizing their service to viewers after the Incentive Auction, including proposals raised in the pending Vacant Channel proceeding, as well as disappointment at the Commission's inaction on Raycom's petition — pending for four-and-a-half years — to allow WMC in Memphis, Tennessee to move to a UHF channel in order to restore coverage lost in the digital transition.<sup>2</sup>

Raycom also explained in the meetings that the local broadcast model is supported by — and relies upon — the partnership between national networks and local affiliates. The Commission's exclusivity and retransmission consent rules support this partnership, and the economic viability of locally oriented broadcasting, by allowing broadcast stations to obtain enforceable exclusivity rights from their networks and to negotiate fair, market-based compensation for the retransmission of valuable broadcast content. Raycom's representatives noted that out of hundreds of retransmission consent negotiations, the company has reached an impasse with an MVPD only three times. Raycom also noted that the great majority of impasses involve only a few large MVPDs and often appear to be driven largely by an MVPD's apparent desire to use the dispute as "evidence" of a need for government intervention on behalf of MVPDs in retransmission consent negotiations. In Raycom's experience, however, the existing retransmission consent regime is working exactly as Congress intended and is a critical source of the revenue stations need to invest in high-quality news and other local content.

Finally, Raycom's representatives explained that the Commission could further contribute to a healthy system of local broadcasting by updating its local television ownership rules, particularly in the smaller markets where stations are most vulnerable to economic downturns and where they could most benefit from the additional stability and cost-sharing that multiple ownership could enable. Incongruously, the Commission's outdated rules continue to view virtually any consolidation among broadcast television stations as a threat, even as competitive cable and over-the-top platforms proliferate and as

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<sup>1</sup> The Selma documentary also may be viewed online at <http://www.wsfa.com/story/28204274/selma-a-march-to-remember-available-to-watch-online>.

<sup>2</sup> See Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Memphis, Tennessee), Petition for Rulemaking (May 26, 2011).

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the Commission itself approves far more significant consolidation among MVPDs. The public interest in localism, diversity, and competition in the modern video marketplace would be better served by ownership rules that bolster stations' ability to invest in producing the freely accessible local news and other community-focused content that broadcasters are uniquely positioned to provide.

Respectfully submitted,

/s/ Jennifer Johnson

Jennifer Johnson

Michael Beder

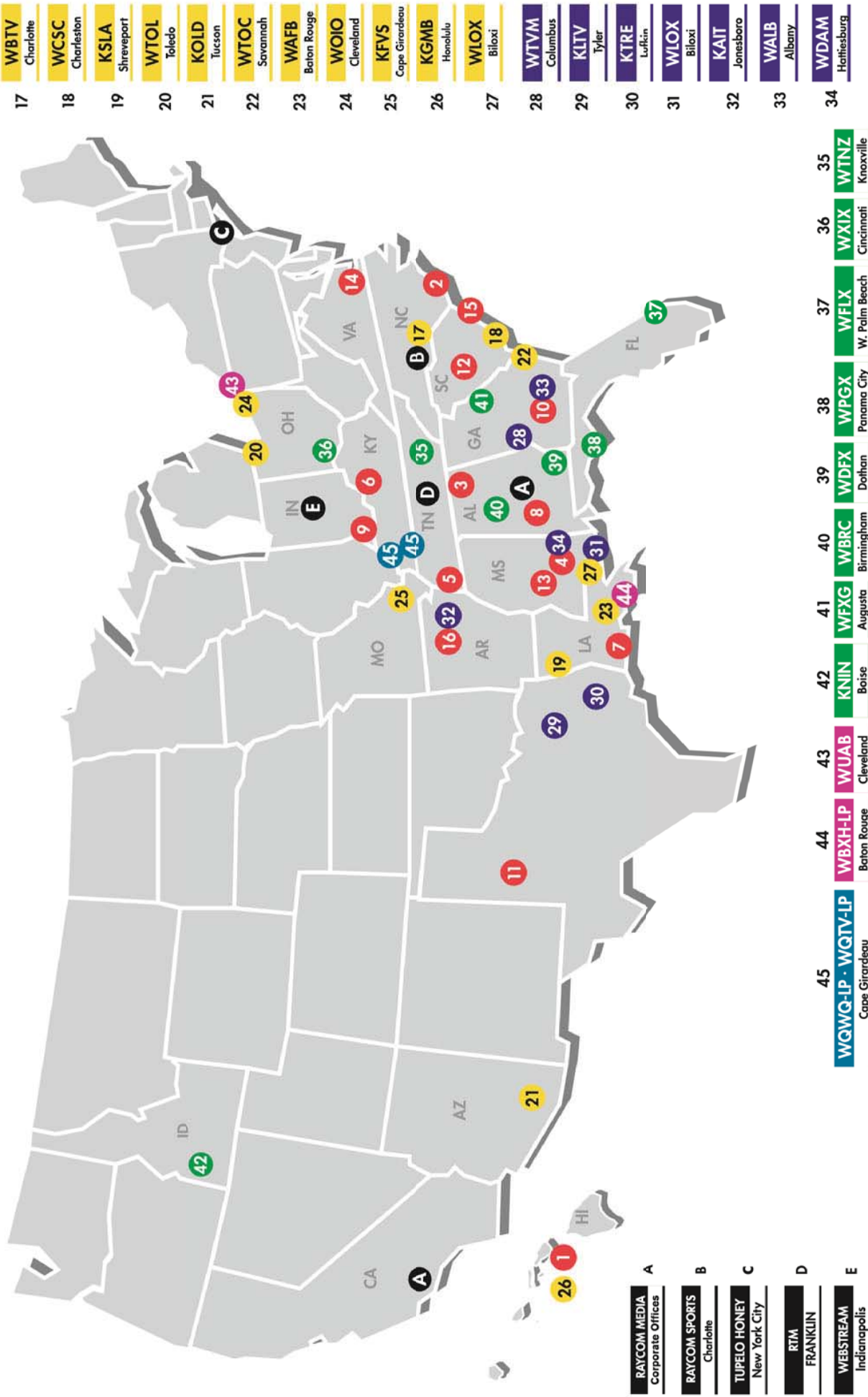
*Counsel for Raycom Media, Inc.*

Attachment

cc: Commissioner Mignon Clyburn  
Commissioner Michael O'Rielly  
Commissioner Jessica Rosenworcel  
Robin Colwell  
Chanelle Hardy  
Jennifer Thompson

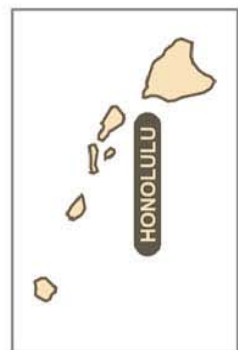
## Attachment A

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
KHNL-KOOG-KHBC Honolulu	WECT Wilmington	WAFF Huntsville	WDAM Hattiesburg	WMC Memphis	WAVE Louisville	KPLC Lake Charles	WSFA Montgomery	WFIE Evansville	WALB Albany	KCBD Lubbock	WIS Columbia	WLBT Jackson	WWBT Richmond	WMBF Myrtle Beach	KAIT Jonesboro





NIELSEN DMA Media



## License to Serve Highlights 2015



### **WIS, WCSC, WMBF, WBTV, WSFA, WTOC recent floods and relief efforts: \$851,000 raised**

Earlier this month, historic rains drenched the South Carolina dropping as much as two feet of rain in many places causing rivers and streams to flood displacing thousands of South Carolinians from their homes. Columbia was most affected by the historic flooding. Raycom Media's NBC affiliate WIS TV began coverage Saturday morning October 3<sup>rd</sup> and devoted extended live coverage through Friday October 9<sup>th</sup> including several days of more than 12 hours per day of live coverage.

Thanks to the incredible generosity of the viewers and businesses from across their footprint, Raycom Media stations were able to raise more than \$851,000 for the American Red Cross and their disaster relief efforts in South Carolina.

Raycom Media's fundraising efforts were launched on October 7 and 8, when WIS-TV and Alpha Media Radio in Columbia, South Carolina raised \$736,101. The phone bank was extended to a second day due to the tremendous outpouring of generosity from residents and local businesses.

On Wednesday, October 14, the Raycom Media stations in many communities raised funds and awareness to assist those affected by the disaster.

- Live 5 WCSC in Charleston, SC raised \$54,525 for disaster relief during a 4 hour phone bank staffed by volunteers from the Red Cross.
- In Myrtle Beach, WMBF-TV, along with their partners Dignity Radio and Community Broadcasters, were able to raise over \$15,000 through a phone bank staffed by Red Cross volunteers and online donations.
- WBTV in Charlotte, NC worked with the American Red Cross to bring in a total of \$13,858 in online and phone pledges.
- In Montgomery, AL, WSFA 12 News and the American Red Cross were able to raise over \$32,000.
- WTOC in Savannah, GA devoted time in every newscast and across all digital platforms to encourage viewers to support Red Cross relief efforts.

Raycom Media stations across the affected region also ran a Raycom Media produced PSA calling for donations to the American Red Cross.



### **All Raycom Media Stations:**

Fifty years after central Alabama took center stage in the battle for equal voting rights, Montgomery based Raycom Media honored the Selma Voting Rights Movement with a one-hour documentary. “SELMA: A March to Remember” focused on the personal accounts of people who were there. Leaders, participants and witnesses recounted their experiences, in their own words and talked about the challenges that still persist. “SELMA: A March to Remember” aired on 42 Raycom Media owned or managed stations on Friday, February 27<sup>th</sup>. Bounce TV aired the special nationally on Wednesday, March 4<sup>th</sup> at 9:00pm ET/8:00pm CT.



### **WCSC coverage of the Charleston Shooting and fundraising efforts**

On June 17<sup>th</sup>, an unthinkable tragedy struck in Charleston, SC when nine people were shot and killed during bible study inside the Emanuel AME church.

On Raycom’s CBS affiliate WCSC, coverage started less than an hour after the mass shooting and continued through 3am, keeping viewers safe by bringing them every development live during the active manhunt for the shooter.

In the following days, WCSC delivered live coverage on all platforms of every development including the manhunt, capture and court appearance of suspect Dylan Roof, Reverend and Senator Pinckney’s funeral procession, local memorial services, the first service inside the Emanuel AME church following the shooting and President Obama’s visit to Charleston. Most importantly, WCSC put the focus on helping the community heal and positive next steps viewers could take to help the victims’ families and the survivors. WCSC immediately set up phone banks to help raise funds, encouraging pledges to the Mother Emmanuel Hope Fund. WCSC’s parent company, Raycom Media, donated \$5,000 to the Hope Fund, on behalf of all of our stations.

The marketing department produced a series of #standwithcharleston messages, reflecting the

community's desire to grieve and heal together. This was continuously updated throughout unfolding events in Charleston. PSAs featuring local preachers encouraging viewers to not be afraid to attend their house of worship aired the weekend following the massacre. WCSC partnered with Harris Teeter to support in-store donations for the victims' families. The effort raised more than \$33,608 over a month's time and, thanks to Harris Teeter's matching gift of \$30,000, a total of more than \$60,000 was divided and given to the Low Country Ministry – Reverend Pinckney fund and Mother Emanuel Hope Fund.



### **KLTV Van Tornado Fundraiser: \$50,000 raised**

Viewers of KLTV and KTRE television stations in Tyler/Lufkin, Texas helped raise more than \$50,000 for tornado victims with a special one-day fundraiser called "Caring for Van" on Friday, May 15, 2015. Tornadoes ripped through parts of east Texas on May 10, 2015. Many areas were affected, but the community hit hardest was Van, TX. A third of the town was wiped out and two people were killed by an EF-3 tornado. KLTV-TV, the Raycom-owned ABC affiliate in Tyler, TX, led the effort to put on the fundraiser that benefitted the American Red Cross of East Texas. The organization will help victims of spring storms in the region, including the May 10<sup>th</sup> storms. KLTV's sister station, KTRE-TV in Lufkin, TX, also supported the effort with on-air and online promotion.



### **WAFB Officer Fundraiser: \$50,000 raised**

Viewers of WAFB, Raycom Media's station in Baton Rouge, La., helped raise more than \$50,000 dollars for a U.S. Marshal killed in the line of duty. The one-day fundraiser called "Together for Josie" was held in March 2015 and benefitted the family of Josie Wells. Wells was killed trying to apprehend a murder suspect. WAFB Marketing Director Chris Blades received a letter of commendation from U.S. Attorney J. Walter Green for his efforts in spearheading the fundraising effort. Blades received the United States Attorney's Coin of Excellence.



### **KPLC Officer Fundraiser: \$100,000 raised**

KPLC, Raycom Media's station in Lake Charles, La., collected more than \$51,000 for the family of Louisiana State Trooper Steven Vincent. Vincent was shot to death during a routine traffic stop in August. KPLC employees took to the streets on August 28<sup>th</sup>, for a "Blue Friday" fundraiser. KPLC also provided live coverage of Trooper Vincent's funeral. Thousands of people lined the route to see the procession as Vincent was carried to his final resting place. KPLC has held additional fundraisers since "Blue Friday," raising the total collected for Vincent's family to over \$100,000.



### **WDAM, WLBT, WLOX and WMC: \$212,000 raised**

Thanks to the incredible generosity and spirit of the viewers and communities across Mississippi and Memphis, Tennessee, four Raycom Media television stations worked with their local communities and the Greater Pine Belt Community Foundation to raise \$212,000 for tornado victims with a special one-day fundraiser called "Mississippi Tornado Relief: Hope, Help & Healing" on Thursday, January 8, 2015.

Tornadoes ripped through central Mississippi two days before Christmas, killing at least five people and destroying more than 300 homes and businesses. One of the tornadoes was confirmed to be an EF3 that cut a 12 mile track through Marion County and sustained winds up to 125 mph. WDAM-TV, the Raycom Media owned station in Hattiesburg, MS, led the effort to put on the fundraiser that benefitted the Greater Pine Belt Community Foundation. The foundation will assist with the long-term recovery needs of those affected by the tornadoes on December 23<sup>rd</sup>, 2014. Three other Raycom Media television stations in Mississippi and Tennessee joined the effort: WLBT-TV in Jackson, MS; WLOX-TV in Biloxi, MS; and WMC-TV in Memphis, TN.



### **WFIE: Amount raised \$292,000**

45th year of supporting local MDA. From the start of the Jerry Lewis telethon 45 years ago WFIE, the Raycom NBC station in Evansville, IN, has been a leader in support in the fight against muscular dystrophy. When the telethon went away 3 years ago, WFIE couldn't give up the fight as our support at the station level is the largest contributing event of any across the US. On September 2<sup>nd</sup>, 2015 WFIE started 14Hours for MDA, giving the non-profit a day's worth of LIVE cut-ins, social media support, and digital awareness. This year we raised over \$292,000 in one day!



### **WBTV: \$1,400,000 raised in 2014**

Susan G. Komen Race For The Cure. Raycom's CBS station WBTV is the exclusive television partner in Charlotte. This year over 13,000 people registered for the Komen Charlotte Race for the Cure. The event raised \$1.4 million by Race day! The event raises funds for breast health education, screenings, diagnostics and treatment support services in our 13-county service area. WBTV as a community partner fields on of the larger teams of local walkers in the walk and manages to help contribute significantly to the fund raising effort. WBTV anchor Molly Grantham is the face of the event for WBTV and is the mistress of ceremonies at the event.

### **WAVE: \$400,000 raised in 2014**

Angel Tree WAVE 3 News' participation with Salvation Army Angel Tree began in 1984. The program provides underprivileged children in the Louisville, KY area with holiday gifts to let them know someone cares. Angel Tree is a huge undertaking that requires intense planning and help from generous donors and volunteers. Donors get to help make a child's Christmas merry by adopting an "angel", a child, who needs clothing and toys. The station produces and runs PSAs encouraging Angel adoptions for several weeks and live shots in the community daily for two weeks giving updates on the collection. We also encourage viewers to go to Kroger for food angel donations to provide Christmas dinners. In addition, WAVE conducts and all-day Angel-a-thon, a one-day "push" from WAVE during all newscasts and on all

digital platforms to encourage viewers/users to donate to the Angel Tree program. Many WAVE employees spend at least half of their day helping the Salvation Army sort and distribute the Angel Tree donations to area families.



### **KAIT: \$106,000 raised**

United Cerebral Palsy of Northeast Arkansas raised and passed their goal in this year's telethon Sunday, January 25th, 2015. Last year's telethon raised over \$99,000 to help people with Cerebral Palsy in North East Arkansas. The goal this year was to raise \$100,000. That goal was passed with the 2015 telethon raising \$106,665. KAIT televised the event live from 12:00am to 6:00pm. KAIT's on-air personalities hosted the telethon and General Manager Chris Conroy participated in the phone bank.